

RECEIVED
CENTRAL FAX CENTER DORSEY

NOV 14 2006

FAX COVER SHEET

The information contained in this facsimile message, if a client of this firm is a named addressee, or the message is otherwise intended for a client, is presumptively legally privileged and confidential information. If you are not a named addressee, or if there is any reason to believe that you may have received this message in error, (1) do not read the message below; (2) do not distribute or copy this facsimile; and (3) please immediately call us collect at the number of the sender below.

DATE: November 14, 2006

TOTAL # OF PAGES: 5
(INCLUDING THIS COVER SHEET)TO: Mail Stop PCT
Commissioner for Patents

FAX #: (571) 273-8300

ATTN: Examiner:
Art Unit: 2855

PHONE #:

FROM: Victor E. Johnson

FAX #: (415) 398-3249

PHONE #: (415) 781-1989

EMAIL: johnson.victor@dorsey.com

RE:

U.S. Patent Application No. 10/583,435 for
Method and device for providing a defined fluid flow,
especially for use in liquid chromatography

Filed: June 16, 2006

Our Docket No. 187869/US/DJB/VEJ (Matter No. 465377-01284)

BEST AVAILABLE COPY

COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

- 1) INFORMATION DISCLOSURE STATEMENT;
- 2) Substitute Form PTO/SB/8A; and
- 3) This facsimile cover sheet.

ORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

PLEASE CONTACT KASIA Z. KAPPES AT (415) 781-1989 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

REFERENCE # 465377 01284

NOV 14 2006

PATENT

Attorney Docket No. 187869/US/DJB/VEJ
Attorney Matter No. 465377-01284
Application No. 10/583,435

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gervin RUEGENBERG *et al.*

Application No. 10/583,435

Filed: June 16, 2006

For: **METHOD AND DEVICE FOR
PROVIDING A DEFINED FLUID
FLOW, ESPECIALLY FOR USE IN
LIQUID CHROMATOGRAPHY**

Art Unit: 2855

Examiner: *To be assigned*

Docket No.: 187869/US/DJB/VEJ

Certificate of Transmission (37 C.F.R. § 1.8(a))
I hereby certify that this correspondence is being facsimile transmitted
to the U.S. Patent and Trademark Office, Facsimile number (571) 273-
8300 on November 14, 2006.

Kasia Z. Kappes
Kasia Z. Kappes

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BEST AVAILABLE COPY

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 C.F.R. 1.98 and pursuant to Applicant's continuing duty under 37 C.F.R. 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Except for U.S. Patents and U.S. Patent Application Publications, *see* 37 C.F.R. § 1.98(a)(2)(i), copies of the cited references are enclosed, unless otherwise noted below. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. M.P.E.P. § 609 (I)(A)(2).

Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the

INFORMATION DISCLOSURE STATEMENT

- 1 -

4849-6379-878511

BEST AVAILABLE COPY

PATENT

Attorney Docket No. 187869/US/DJB/VEJ
Attorney Matter No. 465377-01284
Application No. 10/583,435

information submitted herewith is in fact material to patentability. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed within three months of the filing date of a national application other than a continued prosecution application, within three months of the date of entry of a national stage, before the mailing date of a first Office action on the merits, or before the mailing date of a first Office action after the filing date of request for continued examination. 37 C.F.R. § 1.97(b). No fee is required.

When the disclosures of two or more patents or publications listed in an information disclosure statement are substantively cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative. 37 C.F.R. § 1.98(c). As such, copies of the following foreign patents are not submitted because they are substantially cumulative of U.S. Patents as noted below:

DE 199 14 358 A1 is substantially cumulative of US 6,627,075;

EP 0 380 967 A2 is substantially cumulative of US 4,953,388; and

WO 03/066264 A is substantially cumulative of US 2005/0092609 A1.

A concise explanation of the relevance of the non-English language document(s) appears as follows: DE 199 14 358 A1 was cited in a search report by a foreign patent office in a counterpart foreign application and is directed to "Flow control system for finest capillary chromatographic columns, producing a working- and an overflow stream, includes volumetric flow rate sensor and controller operating variable flow resistance". See FIG. 3 and the attached English-language abstract attached thereto.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or

INFORMATION DISCLOSURE STATEMENT

- 2 -

4849-6379-878511

PATENT

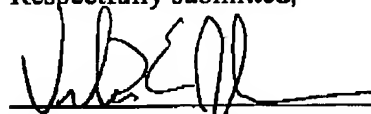
Attorney Docket No. 187869/US/DJB/VEJ
Attorney Matter No. 465377-01284
Application No. 10/583,435

credit any overpayment to Deposit Account No. 50-2319 (Matter No. 465377-01284; Docket No. 187869/US/DJB/VEJ).

Respectfully submitted,

Date: November 14, 2006

By:



Victor E. Johnson, Reg. No. 41,546

DORSEY & WHITNEY LLP
555 California Street
Suite 1000
San Francisco, California 94104-1513
Telephone: (415) 781-1989 Facsimile: (415) 398-3249

BEST AVAILABLE COPY

RECEIVED

NOV 14 2006

Substitute PTO/SB/8A (07-05)

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/583,435
				Filing Date	June 16, 2006
				First Named Inventor	Gervin RUEGENBERG et al.
				Art Unit	2855
				Examiner Name	To be assigned
Sheet	1	of	1	Attorney Docket Number	187869/US/DJB/VEJ

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	3,271,997	09-13-1966	Home et al.	
	A2	3,282,085	11/01/1966	Benson et al.	
	A3	4,953,388	09-04-1990	Barada	
	A4	6,627,075	09-30-2003	Weissgerber et al.	
	A5	US 2005/092609 A1	05-05-2005	Gosger et al.	
	A6				
	A7				
	A8				
	A9				
	A10				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number ² Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
	A11	DE 199 14 358 A1	10-19-2000	Agilent Technologies Inc.	Abstract; FIG. 3	
	A12	EP 0 380 967 A2	08-08-1990	Perkin Elmer Corp		
	A13	WO 03/066264 A	08-14-2003	Extrude Hone GMBH et al.		
	A14					
	A15					

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T ³
	A16		
	A17		
	A18		
	A19		
	A20		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

4849-6379-878 v1

BEST AVAILABLE COPY